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CITY OF COLTON
REGULAR COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY
AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY
CLOSED SESSION MEETING MINUTES

April 19, 2011

Closed Session Meeting was held on the above given date at 5:10 p.m., in the City Manager's Conference Room in City Hall with Mayor Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

David R. Zamora, Mayor
David Toro
Frank A. Gonzales
Vincent Yzaguirre
Susan Oliva
Alex Perez

Staff Present:

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk

Mayor Pro Tempore Deirdre Bennett arrived in Closed Session at 5:25 p.m.

Council Members/Staff Absent

None

PUBLIC COMMENT

None

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Items A through F and that there may be reportable action on Item E.

CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Bonnie Johnson, Management Services Director and Ted Cooper, Human Resources Manager

Employee Organizations: IBEW Electric, IBEW Water/Wastewater

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9(a)

Case Name: City of Colton v. G3 Holistic, Inc., et al.

Case Number: San Bernardino County Superior Court Case No. CIVDS 1102194

- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: City of Colton v. Organic Garden Collective, et al.
Case Number: San Bernardino County Superior Court Case No. CIVDS 1102363
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: Nature's Quest v. City of Colton
Case Number: San Bernardino County Superior Court Case No. CIVDS 1104137
- E. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code section 54956.9(c) (Note: Per Dean Derleth, relates to the potential state court action related to an existing federal case of John Hendrix vs. J-M Manufacturing Company dba J.M. Eagle, Case No. ED CV06-00055).
- F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code section 54956.9(c) (Note: Per Dean Derleth, this item relates to the City's lease agreement between the City of Colton and the Inland Memorial Hermosa Gardens Cemetery).

City Attorney Dean Derleth also announced that there may be reportable action on Item E.

Mayor Zamora adjourned the meeting to Closed Session at 5:18 p.m. and at 6:20 p.m., the meeting reconvened. Roll Call was announced by City Clerk Gomez with all members present as heretofore.

City Attorney Dean Derleth reported that they did meet and did confer on Items A through F. We did have reportable action on Item E with unanimous consent to file a state court action that relates to a federal court existing case known as John Hendrix vs. J-M Manufacturing Company dba J.M. Eagle. That federal case is ED CV06-00055. Again, we have been given unanimous authorization to file a state court action related to that. We also did announce that Item F, related to the City's lease with Inland Memorial Hermosa Gardens Cemetery. We have no other reportable action. We should also note for the record that Council Member Gonzales did recuse himself from Item A which is the labor negotiations out of an abundance of caution due to a family member that is a member of one of the bargaining units.

- A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Bonnie Johnson, Management Services Director and Ted Cooper, Human Resources Manager
Employee Organizations: IBEW Electric, IBEW Water/Wastewater

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CITY OF COLTON
REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY
AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY MEETING MINUTES

April 19, 2011

Regular Meeting was held on the above-given date at 6:20 p.m., in the Council Chambers of City Hall, with Mayor Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

David R. Zamora, Mayor
David Toro
Frank A. Gonzales
Vincent Yzaguirre
Susan Oliva
Deirdre Bennett, Mayor Pro Tempore
Alex Perez

Staff Present:

Rod Foster, City Manager
Dean Derleth, City Attorney
Eileen C. Gomez, City Clerk
Aurelio De La Torre, City Treasurer

Council Members/Staff Absent

None.

INVOCATION

Pastor Mitch Melzer, Centerpoint Church

FLAG SALUTE

Thomas Leon, VFW Post 6476

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation - Parks & Recreation Foundation – On Behalf of the Truckers for Kids event, Mr. Mark Sturdevant of the California Truckers Association presented a check in the amount of \$550 to Community Services Director Bill Smith for the Art Thompson Teen Center. Mr. Thompson was a 67 year trucker, a 30 plus year member of the California Truckers Association, and a 20 year member of the Board of Directors. Council Member Oliva graciously accepted the \$550 check on behalf of the City Council.
- Recognition – Certificates of Appreciation were presented to Colton Residents Art Ortiz, Mark Luna Jr., Brian Luna and Roger Guerrero. Mayor Zamora announced that had it not been for their combined efforts, using their resources to contain a fire in the north end of Colton, the results could have been devastating. Also receiving recognition was retired firefighter Jim Barth, who assisted with the efforts but could not attend this meeting.
- Proclamation – City Clerk Gomez read a proclamation into the record, proclaiming Municipal Clerk's Week as May 1 – 7, 2011.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF MARCH 1, 2011.

Mayor Zamora asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

AB 1234 ORAL REPORTS

MPT Bennett stated that she attended the State of the County at the San Bernardino International Airport in San Bernardino, along with Mayor Zamora and Council Members Yzaguirre, Gonzales, and Oliva. Also in attendance were City Clerk Gomez and City Manager Foster.

CITY TREASURER'S REPORT

It was a consensus of the Council to receive and file the City Treasurer's report for February 2011 as presented by City Treasurer De La Torre.

PUBLIC COMMENT

The following citizens addressed the Council:

Arlan White, Kirk Larson and Stephen Wall of Congressman Joe Baca's office.

APPOINTMENTS

City Commissions & Committees; Regional Boards & Committees

None.

CONSENT CALENDAR

Mayor Zamora announced Consent Calendar and asked if council members if there were any items to be pulled. City Manager Foster stated that on Item No. 3, the amount of the donation was changed to \$550 so we will need a motion to amend that amount. MPT also asked that on Item No. 2, if the warrants could be emailed to Council Members in the future.

Motion and second by CM Yzaguirre/CM Toro, to approve the Consent Calendar Item No(s) 1 thru 8. Unanimous vote.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held March 1, 2011, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #120553 to #120687, Dated 2/17/11, Totaling \$1,258,160.75; Payable Warrants #120688 to #120809, Dated 2/24/11, Totaling \$2,841,620.96; Payable Warrants #120810 to #120959, Dated 3/3/11, Totaling \$2,137,678.31; Payroll Disbursement Listing for 3/2/11 to 3/18/11, Totaling \$672,447.79, on File in the Finance Department.
- (3) Budget Adjustment for Receipt of Grant and Donations - Approved and Adopted a Resolution to Adjust the Budget for Fiscal Year 2010-11 to Reflect the Receipt of Grant and Donation Funding in the Recreation Division of the Community Services Department, **RESOLUTION NO. R-33-11.**
- (4) Award of Bid for Various Size Transformers - Awarded a Bid for Various Size Transformers for the Electric Utility to Howard Industries, c/o Young & Company, in the Amount of \$2,001.46; Wesco Distribution in the Amount of \$3,144.96; HD Supply in the Amount of \$67,953.57; and to ABB, c/o Pacific Utilities, in the Amount of \$4,599.01.
- (5) San Bernardino Valley Enterprise Zone (SBVEZ) - Approved and Adopted a Resolution Authorizing a Request for an Expansion of the Boundaries of the San Bernardino Valley Enterprise Zone (SBVEZ) by the City of Colton, the City of San Bernardino, the County of San Bernardino and the Inland Valley Development Agency (IVDA) Expanding the Boundaries of Each Jurisdiction by up to 15% of the Existing Total Acreage in each Jurisdiction, **RESOLUTION NO R-34-11.**
- (6) Notice of Completion – Approved and Authorized Execution and Recordation of the Notice of Completion for the CDBG Concrete Infrastructure Removal and Reconstruction Project.

- (7) LAFCO's Island Annexation Policies -- Authorized Staff to Prepare a Letter on Behalf of the City to San Bernardino LAFCO, Expressing the City's Opinions Pertaining to the LAFCO Annexation Policy and Supplemental Questions, as discussed in the Issues/Analysis Section of the Report.
- (8) Labor Agreement with Colton Police Dispatchers Association - Approved Memorandum of Understanding between the City of Colton and the Colton Police Dispatchers Association (CPDA); Approved a Resolution Approving a Change in the Paying and Reporting of the Value of Employer Paid Member Contributions for the Colton Dispatchers Association, **RESOLUTION NO. R-35-11.**

MAYOR AND COUNCIL ORAL REPORTS AND COMMENT

Council Members announced various activities throughout the community.

PUBLIC HEARING

- (9) Utility Rates

TIME AND PLACE FIXED TO CONSIDER A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON AMENDING EXISTING ELECTRIC RATES AND CHARGES AND CREATING A NEW ELECTRIC RATE

Mayor Zamora announced the Public Hearing Open and asked if there were any members of the public that wish to speak on this item to submit a card to the City Clerk.

City Clerk announced that the Affidavit of Publication is on file in the City Clerk's Office and protests have been received from the following:

Eileen Pollack Erickson of SLP Management Systems, Inc. on behalf of Lucas Living Trust; Christina Irish-Re; Ronald H. Lawrence; Mark Garcia; Kirk Larson on behalf of the Utilities Commission.

Public Works Director Amer Jakher and Management Services Director Bonnie Johnson gave a PowerPoint presentation of the rate study and answered questions asked by Council. City Manager Foster also addressed questions and issues asked by Council.

Mayor Zamora opened Public Comment. The following citizens addressed the Council on this item:

Rose Rene De La Rosa-Guerrero; Joe Perez; Richard Saxton; Donna Lewis; Gary Mitchell; Andres Soto; Jose Olivar; Tony Morales; Gary Grossich; Christina Irish-Ré; and Kirk Larson.

First Motion and Second: CM Yzaguirre moved this item to approve staff's recommendation with the caveat that we develop a business plan moving forward that addresses the utility daily. This motion was seconded by CM Toro.

CM Toro seconded the motion to approve staff's recommendation with a caveat to include monthly status reports within 6 months. CM Toro also asked that MPT Bennett's caveats be added. MPT Bennett stated that she would like to have a joint workshop with the Utilities Commission prior to the next (budget) council meeting.

Motion carried with Mayor Zamora, and Council Members Toro, Gonzales, Yzaguirre and Perez voting yes. Council Member Oliva and MPT Bennett voted no.

Substitute Motion and Second: CM Oliva made a substitute motion, to continue for two weeks, to the May 3, 2011 council meeting. This motion was seconded by MPT Bennett, with the caveat that we have a joint workshop with the Utilities Commission prior to the next (budget) council meeting.

Motion failed with MPT Bennett and CM Oliva voting yes; Mayor Zamora and Council Members Toro, Gonzales, Yzaguirre and Perez voted no.

Approved and Adopted **RESOLUTION NO. R-32-11.**

ADJOURNMENT

At 10:18 p.m., Mayor Zamora declared the Regular Meeting adjourned.

Eileen C. Gomez, CMC
City Clerk

CITY OF COLTON
REGULAR COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY
AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY
CLOSED SESSION MEETING MINUTES

May 3, 2011

Closed Session Meeting was held on the above given date at 5:03 p.m., in the City Manager's Conference Room in City Hall with Mayor Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

David R. Zamora, Mayor
David Toro
Frank A. Gonzales
Susan Oliva
Deirdre H. Bennett, Mayor Pro Tempore
Alex Perez

Staff Present:

Rod Foster, City Manager
Dean Derleth, City Attorney
Sabdi Sanchez, Chief Deputy City Clerk
Eileen C. Gomez, City Clerk

Council Members/Staff Absent

Vincent Yzaguirre
Aurelio De La Torre, City Treasurer

PUBLIC COMMENT

None.

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Items B and C, and that Item A would not be discussed.

CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Bonnie Johnson, Management Services Director and Ted Cooper, Human Resources Manager
Employee Organizations: IBEW Electric, IBEW Water/Wastewater
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: Gaylord Singletary v. City of Colton
Case Number: San Bernardino County Superior Court Case No. CIVSS 800216
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a)
Case Name: Paul Vasquez v. City of Colton
Case Number: US District Court, Central District of California
5-08-cv-01629 JTM (AGR_x)

Mayor Zamora announced a quorum and proceeded to adjourn the meeting to Closed Session at 5:08 p.m.

Mayor Zamora called the meeting to order at 6:01 p.m. and asked Chief Deputy City Clerk Sanchez to announce roll call. Chief Deputy City Clerk Sanchez took roll with all members present except Council Member Yzaguirre.

- A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Bonnie Johnson, Management Services Director and Ted Cooper, Human Resources Manager
Employee Organizations: IBEW Electric, IBEW Water/Wastewater
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Case Name: Paul Vasquez v. City of Colton
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5-08-cv-01629 JTM (AGR_x)

City Attorney Rahsaan Tilford reported that the Council met on Items B and C with no reportable action. Item A was not discussed.

CITY OF COLTON
REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY
AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY MEETING MINUTES

May 3, 2011

Regular Meeting was held on the above-given date at 6:01 p.m., in the Council Chambers of City Hall, with Mayor Zamora presiding.

CITY COUNCIL ROLL CALL

Council Members Present

David R. Zamora, Mayor
David Toro
Frank A. Gonzales
Susan Oliva
Deirdre H. Bennett, Mayor Pro Tempore
Alex Perez

Staff Present:

Rod Foster, City Manager
Rahsaan Tilford, City Attorney
Sabdi Sanchez, Chief Deputy City Clerk
Eileen C. Gomez, City Clerk

Council Members/Staff Absent

Vincent Yzaguirre

Aurelio De La Torre, City Treasurer

INVOCATION

Pastor Eric Strutz, The Door Christian Fellowship

FLAG SALUTE

Cecilia Enriquez, American Legion Post 155

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Proclamation - Blue Ribbon Week 5/9 thru 5/15 – Council Member Oliva read and presented the proclamation; Interim Chief of Police, Steve Ward accepted. Manuel Carrillo, representative for Senator Gloria McLeod also presented Interim Chief of Police with a Certificate of Recognition for Blue Ribbon Week.
- Proclamation - American Stroke Awareness Month – Council Member Toro read and presented the proclamation to Dr. Dan Miulli, Associate Neurosurgery Program Director and Director of Medical Education at Arrowhead Regional Medical Center. Manuel Carrillo, representative for Senator Gloria McLeod presented a Certificate of Recognition to Mayor Zamora for American Stroke Awareness Month.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF MAY 3, 2011.

Mayor Zamora asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

AB 1234 ORAL REPORTS

Council Member Perez attended the City-County conference held on April 29, 2011 in Lake Arrowhead. Mayor Zamora also attended the City-County conference, and the ICRMA conference on April 14, 2011.

APPOINTMENTS

City Commissions & Committees; Regional Boards & Committees

Mayor Pro Tempore Bennett announced a vacancy in the Parks and Recreation Commission, District 5, for anyone interested.

PUBLIC COMMENT

The following citizens addressed the Council:

Ron Phillips; Michelle Martin, Site Manager of Sud-Chemie formerly known as Humidial Corporation; Beverly Powell, Southern California Edison; John Anaya Sr.; Kirk McVoy, Colton High School employee; Gary Mitchell, Planning Commissioner; Paul Rasso, employee of CJUSD; Tony Morales; Manuel Carrillo, representative of Senator McLeod; Carlos Palomino, former coach of Colton Boxing Club; and Jeff Penn, Cops for Kids in Hemet.

CITY TREASURER'S REPORT

None.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENT

Council Members announced various activities throughout the community.

CONSENT CALENDAR

Mayor Zamora announced Consent Calendar and asked Council Members if there were any items to be pulled. No items were pulled for separate vote. City Manager amended item number 5, to add Reche Canyon roadway improvements.

Motion and second by CM Gonzales/MPT Bennett, to approve the Consent Calendar Item No(s) 1 thru 7. Motion carried with CM Yzaguirre absent.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held March 15, 2011, on File in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #120960 to #12182, Dated 3/10/11, Totaling \$1,745,168.81; Payable Warrants #121083 to #121244, Dated 3/17/11, Totaling \$3,134,007.28; Payable Warrants #121245 to #121372, Dated 3/24/11, Totaling \$350,617.59; Payable Warrants #121373 to #121495, Dated 3/31/11, Totaling \$2,060,275.94; Payroll Disbursement Listing for 3/19/11 to 4/1/11, Totaling \$626,845.43; Payroll Disbursement Listing for 4/2/11 to 4/15/11, Totaling \$613,554.32, on File in the Finance Department.
- (3) Notice of Completion for 2010-2011 Slurry Seal Project – Approved and Authorized Execution and Recordation of the Notice of Completion for the 2010-2011 Slurry Seal Project on Various City Street in Colton Project.
- (4) Cooperation and Delegate Agency Agreement - Approved and Adopted a Resolution Authorizing a Joint Request to the United States Department of Housing and Urban Development for Metropolitan City/Urban County Joint Recipient Status, Approval and Authorization to Execute a Cooperation Agreement for CDBG Funds and City-County Delegate Agency Agreement, **RESOLUTION NO. R-36-11.**

- (5) 2011 Legislative Program – Approved and Adopted the 2011 Colton Legislative Program.
- (6) Cal-ID Program – Authorized the Execution of a Professional Services Agreement with San Bernardino County for the CAL-ID Program and Approve a Contract Increase to \$54,406.80 with San Bernardino County for the CAL-ID Program for the FY 2011/2012 Budget.
- (7) Vacate an Excess Right-of-Way – Approved and Adopted a Resolution to Summarily Vacate a Rectangular Portion of Excess Right-of-Way Along the East Side of Valley Boulevard, Located Southeast of the Realigned Intersection of Valley Boulevard and Pepper Avenue, Between Meridian Avenue and Rexford Street, Pursuant to Streets and Highways Code Section 8330, et seq., **RESOLUTION NO. R-37-11.**

BUSINESS ITEMS

None.

CITY COUNCIL DISCUSSION ITEMS

None.

CITY MANAGER COMMENTS

City Manager Foster gave brief comments on various issues.

ADJOURNMENT

At 7:23 p.m., Mayor Zamora adjourned the meeting.

Sabdi Sanchez
Chief Deputy City Clerk